

REGULAR CITY COUNCIL MEETING
OCTOBER 22, 1990

PRESENT

Don Dafoe	Mayor
Wesley J. Bloomfield	Council Member
Gayle Bunker	Council Member
Robert Droubay	Council Member
Robert Dekker	Council Member

ABSENT

Rex Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Bryce Ashby	Delta City Fire Chief
Sergeant Chuck Stewart	Millard County Sheriff's Dept.
Warren Petersen	Millard County Attorney

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held September 24, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held October 4, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented.

The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Droubay MOVED that the accounts payable be approved for payment as listed in the amount of \$62,069.80. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESS

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING ABOVE GROUND STORAGE TANKS

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding above ground storage tanks.

Attorney Waddingham said that he and Fire Chief Bryce Ashby plan to meet within the next two weeks to discuss this issue and requested that this item be tabled until the next Regular City Council Meeting.

Council Member Gayle Bunker MOVED to table discussion of the above ground storage tank ordinance to allow time for further research. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGULATING THE STOPPING, STANDING OR PARKING OF A VEHICLE ON PRIVATELY-OWNED PARKING AREAS SERVING COMMERCIAL ESTABLISHMENTS AND FURTHER ADOPTING CHAPTER 6, OF TITLE 41, UTAH CODE ANNOTATED IN ITS ENTIRETY TO BE MADE APPLICABLE TO THOSE PRIVATELY-OWNED AND MAINTAINED PARKING AREAS SERVING COMMERCIAL ESTABLISHMENTS

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding parking areas serving commercial establishments.

Attorney Waddingham presented a proposed ordinance regulating the stopping, standing or parking of a vehicle on privately-owned parking areas serving commercial establishments.

Attorney Waddingham said that most of the agreements between Delta City and commercial establishments have been signed. However, there are some that have not been signed and returned to him.

The Council reviewed the signed agreements and the proposed ordinance. The Council then proposed corrections to the ordinance and asked Attorney Waddingham to present the ordinance at the next Regular City Council Meeting.

Council Member Gayle Bunker MOVED to table consideration of a proposed parking ordinance to allow Attorney Waddingham to make the necessary corrections as proposed by the Council. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a motion. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGULATING SIZE, CONDITION, LOCATION OF SIGNS ON PUBLIC PROPERTY

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regulating size, condition, location of signs on public property.

Attorney Waddingham asked that this item be tabled until he has met with Public Works Director Neil Forster to determine such regulations.

Council Member Wesley Bloomfield MOVED to table this item to allow Attorney Waddingham to meet with Public Works Director to determine signing regulations. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: STATUS OF KAYE'S HAIR CARE BUSINESS LICENSE

Public Works Director Neil Forster was not in attendance; however, Attorney Waddingham said that he has written Mr. Forster an Opinion Letter which stated that Kaye's Hair Care should not have been issued a Conditional Use Permit and that Mrs. Niles should apply to the Board of Adjustments for a variance. Mr. Waddingham said that the conditions recommended by the Planning & Zoning Commission under a Conditional Use Permit were excellent and should be recommended to be adopted by the Board of Adjustments.

Attorney Waddingham said that Mr. Forster should notify Mrs. Niles in writing so she can make application for a hearing of the Board of Adjustments.

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

Mayor Dafoe asked Attorney Richard Waddingham to present a draft of the Delta City Personnel Policy.

Attorney Waddingham said that he would like to review materials recently received from the Utah Local Governments Trust regarding Personnel Policies. There was no further discussion held.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING REGULATIONS FOR RETAIL SALE OF FIREWORKS

Mayor Dafoe asked Attorney Waddingham to present proposed ordinance regarding regulations for retail sale of fireworks.

Attorney Waddingham asked that this item be tabled to allow him time to meet with Fire Chief Bryce Ashby regarding this issue.

Council Member Gayle Bunker MOVED to table discussion of a proposed fireworks ordinance and discussion of a proposed amendment to the Subdivision Ordinance. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO SUBDIVISION ORDINANCE

Mayor Dafoe asked Attorney Richard Waddingham to present an amendment to the Subdivision Ordinance.

Attorney Waddingham said he was not prepared to present an ordinance.

NEW BUSINESS

SGT. CHUCK STEWART, MILLARD COUNTY SHERIFF'S OFFICE: MILLARD COUNTY SHERIFF'S OFFICE REPORT

Mayor Dafoe asked Sergeant Chuck Stewart to report on the activities of the Millard County Sheriff's Office within Delta City.

Sgt. Stewart presented and explained an incident report that the Sheriff's Office is now using to report citations issued and incidents reported within Delta City during a one month period.

MAYOR DON DAFOE: UTAH DEPARTMENT OF TRANSPORTATION REQUEST FOR
LETTER OF INTENT FOR RAILROAD CROSSINGS LOCATED AT 200 NORTH AND
800 NORTH

Mayor Dafoe said that a meeting was held Thursday, October 11, 1990, with Union Pacific Railroad personnel, Utah Department of Transportation (UDOT) personnel and Delta City personnel regarding railroad crossings. Mayor Dafoe reviewed the following statement prepared by Public Works Director Neil Forster regarding that meeting:

"Statement was made by Ms. Witowski that a new traffic and train survey indicated an increase of more than triple previous count.

Compared train, auto, and accident ratio at 200 North showed .27; 800 North showed .16.

To be eligible for state funding, requirements need to be .1.

Stated by Ms. Witowski, both crossings could be funded in the next year to 18 months.

Approximate cost for each crossing: \$200,000.

City's participation needs to be 10 percent.

At 200 North, the Railroad would remove third track, re-level tracks in crossing, making them the same height, and the actual crossing would be concrete.

On 200 North eastbound; i.e., guard rail, concrete barrier, or curb, from 450 West to railroad track, to be supplied by City. There is a possibility of these costs being applied to City's 10 percent.

UDOT would like to have at this point a letter of intent from Delta to Mr. Johnson.

Construction timetable possibly next summer, probably late, (September/October)."

Following discussion of the above issues, Council Member Robert Dekker MOVED to authorize a Letter of Intent for Delta City's participation in the installation of railroad crossing arms. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Discussion was held regarding the completion of the recommended improvements at the railroad crossings; i.e., lighting, painting of road crossings and cutting of weeds.

MAYOR DON DAFOE: PROPOSED WATER LINE UPGRADE

Mayor Dafoe explained that in a recent Special City Council Meeting discussion was held regarding an extension of a water line from Losee Lumber west to an existing water line at the Cemetery. Also from the Cemetery south along 350 East to an existing water line located at Robert Harris's corner. These lines are needed desperately to eliminate dead end situations and potential bacteriological problems.

Following discussion, Council Member Robert Droubay MOVED to authorize Public Works Director Neil Forster to contact Bush & Gudgell Engineers to proceed with the engineering of a water line from Losee Lumber to the Cemetery so that it can be submitted to the State for approval. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: LEASE OF AIRPORT HANGAR FACILITIES

Mayor Dafoe brought to the Council's attention that a twenty-year lease that Delta City has with Del Aero for a hangar, fuel pumps, storage tanks, etc. expires December 31, 1990. Mayor Dafoe said that other small plane industries have contacted Delta City and have expressed an interest in leasing the property. He then asked the Council to be thinking of a recommendation for the airport hangar facilities lease.

Mayor Dafoe said that Delta City has received three requests for space at the airport from companies wanting to provide an underground telephone service facility. Before FCC approval is given, companies have to prove that space is available. Letters have been sent to inquiring companies indicating that space is available and that a price could be negotiated when approval from the FCC has been received.

This item will be discussed further at the next Regular City Council Meeting.

MAYOR DON DAFOE: IRRIGATION WATER RENTAL

Mayor Dafoe explained that Delta City has approximately 30 feet of water available for rent and Thayne Henrie would like to rent that water.

Discussion was then held regarding a water rental fee. Following discussion. Council Member Robert Droubay MOVED that Delta City rent 30 feet of water at \$30.00 per foot. The motion was SECONDED by Council Member Wesley Bloomfield Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none,

he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: EXTENSION OF GTE AIRFONE LEASE AGREEMENT

Mayor Dafoe asked Attorney Richard Waddingham to discuss an extension of a lease agreement between Delta City and GTE Airfone.

Attorney Richard Waddingham reviewed an Airport Ground Station Site Lease Agreement between Delta City and GTE Airfone and explained that this particular lease allows GTE to set up a structure and put up an antenna that allows airplanes to use telephone service while flying over a particular area.

Attorney Waddingham said that the initial lease was for \$200.00 per month but that has been increased to \$350. Mr. Waddingham then reviewed the Airport Ground Station Site Lease Agreement in detail with the Council and asked for their recommendations to his concerns. Discussion was held regarding the term of the agreement. A three-year term with an additional three-year extension was decided upon. Also, a lease rent payment of \$350 per month with a five percent (5%) per year increase was decided upon.

Discussion was then held regarding the Liability clause and the Sublease clause of the agreement.

Attorney Waddingham said that he would send a copy of the proposed lease agreement to Airfone for their review.

CITY RECORDER DOROTHY JEFFERY: DELTA CITY EMPLOYEE CHRISTMAS PARTY

Mayor Dafoe asked City Recorder Dorothy Jeffery to discuss plans for the Delta City Employee Christmas Party.

City Recorder Dorothy Jeffery said that Friday, December 14, 1990, has been scheduled to hold the annual Delta City Employee Christmas Party. She said that the employees prefer a steak dinner at the Gold Room Restaurant. She then suggested that, in addition, a Cheese & Meat Tray be given to the employees. The Council concurred to the above plans for a Christmas Party.

OTHER BUSINESS

Discussion was held regarding the minutes of a Regular City Council Meeting held September 24, 1990, wherein traffic control at the Delta High School and the Delta North Elementary was discussed.

In addition to the Traffic Safety Committee recommendations for street signs, sidewalks and crosswalks, the Council discussed the need for a four-way stop at either 100 East 200 North or 200 East 200 North. The Council decided to have the Traffic Safety

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Committee review the proposed sites for a four-way stop and make a recommendation to the Council.

Mayor Dafoe asked Attorney Warren Petersen to address the Council.

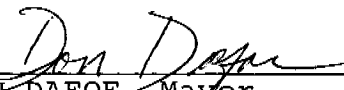
Attorney Petersen said that he is in the process of rewriting the Interlocal Agreement on the Solid Waste Management System. He said that Delta City owns and maintains their transfer site and up until 1990 Delta City provided the liability coverage for the site. However, Millard County now provides liability coverage for Delta City's transfer site but the Interlocal Agreement has not been revised to indicate that.

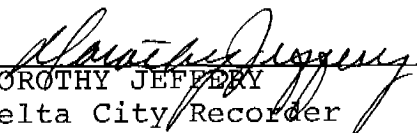
Attorney Petersen asked if there were any other issues that the City Council would like to include in the agreement.

Council Member Gayle Bunker recommended that the transfer site property be deeded to Millard County in order for them to own and maintain the site.

Attorney Petersen and the Council then discussed various Millard County/Delta City issues.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:45 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: